

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

KAREN BRUNDAGE, *et al.*,)
)
Plaintiffs,) Civil Action No. 18-366
)
v.) Judge Cathy Bissoon
) Magistrate Judge Robert C. Mitchell
GEICO CASUALTY COMPANY,)
)
Defendant.)

MEMORANDUM ORDER

This case has been referred to United States Magistrate Judge Robert C. Mitchell for pretrial proceedings in accordance with the Magistrates Act, 28 U.S.C. §§ 636(b)(1)(A) and (B), and Local Rule of Civil Procedure 72.

On March 23, 2018, the Magistrate Judge issued a Report (Doc. 3) recommending that that this case be remanded to state court for lack of subject matter jurisdiction. Service of the Report and Recommendation was made, and Defendant timely filed Objections. *See* Doc. 4. Plaintiffs' deadline for filing a response to the Objections has expired, and none has been filed.

While the Court believes that Magistrate Judge Mitchell's inquiry was appropriate, Defendant has persuaded the District Court that Plaintiffs' allegations satisfy the amount-in-controversy, especially given Plaintiffs' failure to resist this conclusion. *Cf. Rosado v. Encompass Ins. Co.*, 2010 WL 2431829, *2 (E.D. Pa. Jun. 10, 2010) ("[w]here a complaint is ambiguous" as to the amount of damages, "a court may consider a [plaintiff's] subsequent stipulation [regarding the amount in controversy] as clarifying rather than amending an original pleading") (citation omitted).

In light of the foregoing, the Court declines to remand this case to state court, and Defendant shall answer or otherwise respond to the Complaint by **May 1, 2018**.

IT IS SO ORDERED.

April 24, 2018

s\Cathy Bissoon
Cathy Bissoon
United States District Judge

cc (via ECF email notification):

All counsel of record